

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SAMUEL THOMAS LUCERO,

Defendant-Appellant.

UNPUBLISHED

November 30, 2004

No. 231977

Macomb County Circuit

LC No. 00-001089-FC

ON REMAND

Before: Kelly, P.J., and Murphy and Murray, JJ.

MURPHY, J. (*concurring*).

I concur in affirming defendant's conviction for the reasons stated in our prior opinion, and upon further review, because I agree that the trial court erred by ruling that the defendant's statements were involuntary. In view of this conclusion regarding the voluntariness of defendant's statements, I would refrain from addressing, by dictum, the issue regarding preservation unless given further direction from the Supreme Court.

/s/ William B. Murphy